

DOCKET NO. 100051.11211
PATENT

SERIAL NO. 10/611,533
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IN THE CLAIMS:

Please amend claims 1, 11 and 55, and cancel claims 40-45, 58 and 59 as follows.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. **(Currently amended)** An in vitro method of screening an individual for metastatic colorectal cancer cells or metastatic stomach cancer cells or metastatic esophageal cancer cells comprising the step of examining a sample of extraintestinal tissue and/or body fluids from an individual to determine whether CDX1 is being expressed by cells in said sample wherein expression of said CDX1 indicates a possibility of metastatic colorectal cancer cells or metastatic stomach cancer cells or metastatic esophageal cancer cells in said sample, wherein said CDX1 is encoded by SEQ ID NO:1.
2. **(Original)** The method of claim 1 wherein expression of said CDX1 by said cells is determined by detecting the presence of CDX1 gene transcription product.
3. **(Original)** The method of claim 1 wherein expression of said CDX1 by said cells is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.
- 4-7. **(Canceled)**
8. **(Original)** The method of claim 1 wherein said sample is a lymph node sample.

9. (Original) The method of claim 1 wherein the individual has previously been diagnosed with having colorectal, stomach or esophageal cancer.
10. (Original) The method of claim 1 wherein the individual has previously been diagnosed with and treated for colorectal, stomach or esophageal cancer
11. (Currently amended) An in vitro method of screening an individual for metastatic colorectal cancer or metastatic stomach cancer or metastatic esophageal cancer comprising the step of examining a sample of extraintestinal tissue and/or body fluids from an individual to determine whether CDX1 gene transcription or translation product is present in said sample wherein the presence of CDX1 gene transcription or translation product in said sample indicates that the individual may have metastatic colorectal cancer or metastatic stomach cancer or metastatic esophageal cancer, wherein said CDX1 is encoded by SEQ ID NO:1.
12. (Original) The method of claim 11 comprising the steps of examining a sample of extraintestinal tissue and/or body fluids from an individual to determine whether CDX1 gene transcription product is present in said sample.
13. (Original) The method of claim 12 wherein the presence of CDX1 gene transcription product is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.
- 14-18. (Canceled)
19. (Original) The method of claim 11 wherein the individual has previously been diagnosed with having colorectal, stomach or esophageal cancer.

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20. **(Original)** The method of claim 11 wherein the individual has previously been diagnosed with and treated for colorectal, stomach or esophageal cancer

21-28. **(Canceled)**

29. **(Previously presented)** A method of diagnosing an individual who has metastatic esophageal cancer in an individual who has previously been diagnosed with having esophageal cancer comprising the step of examining a body fluid or lymph node sample to detect the presence of CDX1 transcript or translation product wherein the presence of CDX1 transcript or translation product in said sample indicates that the individual has metastatic esophageal cancer.

30. **(Previously presented)** The method of claim 29 comprising the step of examining said sample to determine whether CDX1 gene transcription product is present in said sample.

31. **(Original)** The method of claim 30 wherein the presence of CDX1 gene transcription product is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.

32-38. **(Canceled)**.

39. **(Previously presented)** The method of claim 29 wherein said sample is a lymph node sample.

40-45. **(Canceled)**

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46. (**Previously presented**) The method of claim 29 wherein said CDX1 is encoded by SEQ ID NO:1.

47. (**Previously presented**) The method of claim 29 wherein said CDX1 is encoded by SEQ ID NO: 3.

48. (**Previously presented**) The method of claim 29 wherein said CDX1 is encoded by SEQ ID NO: 4.

49. (**Previously presented**) A method of diagnosing an individual who has metastatic colorectal cancer in an individual who has previously been diagnosed with having colorectal cancer comprising the step of examining a body fluid or extraintestinal sample to detect the presence of CDX1 transcript or translation product wherein the presence of CDX1 transcript or translation product in said sample indicates that the individual has metastatic colorectal cancer.

50. (**Previously presented**) The method of claim 49, wherein said sample is a lymph node sample.

51. (**Previously presented**) The method of claim 49, wherein said wherein said CDX1 is encoded by SEQ ID NOs: 1, 3, or 4.

52. (**Previously presented**) The method of claim 49, wherein said wherein said CDX1 is encoded by SEQ ID NOs: 1.

53. (**Previously presented**) The method of claim 49 wherein expression of said CDX1 by a cell in said sample is determined by detecting the presence of CDX1 gene transcription product.

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54. (Previously presented) The method of claim 49 wherein expression of said CDX1 is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.

55. (Currently amended) An in vitro method of screening an individual for metastatic colorectal cancer cells comprising the step of examining a sample of extraintestinal tissue and/or body fluids from an individual to determine whether CDX1 is being expressed by cells in said sample wherein expression of said CDX1 indicates a possibility of metastatic colorectal cancer cells in said sample, wherein said CDX1 is encoded by SEQ ID NO:1.

56. (Previously presented) The method of claim 55, wherein said individual has been previously diagnosed with colorectal cancer.

57. (Previously presented) The method of claim 55 wherein said sample is a lymph node sample.

58-59. (Canceled)

60. (Previously presented) The method of claim 55 wherein expression of said CDX1 by said cells is determined by detecting the presence of CDX1 gene transcription product.

61. (Previously presented) The method of claim 55 wherein expression of said CDX1 by said cells is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.